

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6128 OF 2017**

Sangeeta d/o. Suklal Bhamre and
Dipeeka w/o. Sanjay ChavanPetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. Mahesh Deshmukh i/b. Mr. P. B. Gujar, advocate for the petitioner.
Mr. A. I. Patel, AGP for the State.
Mr. G. S. Godbole i/b. Ms. Shruti Tulpule, advocate for the respondent
Nos. 6 and 7.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 10th JANUARY, 2018.

P. C. :

Heard learned counsel and learned AGP appearing for the respective parties.

2. The respondent No.6 approached this Court by filing writ petition No.9947 of 2016. The grievance, made in that petition, was that the petitioner's complaint dated 27th January, 2015 has not been disposed of by the respondent No.3- the Scheduled Tribe Certificate Scrutiny Committee, Nashik Division. By the said complaint dated 27th January, 2015, the respondent No.6 alleged that the petitioner does not belong to Scheduled Tribe and called upon the respondent No.3- Committee to decide the validity of her caste certificate. By an order

dated 24th October, 2016, the said writ petition was disposed of by this Court by directing the respondent No.3-Committee , to decide the respondent No.6's said complaint as expeditiously as possible and preferably within a period of six months from the date of receipt of the order.

3. In pursuance of the above referred order dated 24th October, 2016, passed by this Court, the respondent No.3-Committee, started the proceedings of enquiry into validity of caste claim of the petitioner. During the course of these proceedings, the petitioner made allegations of bias against the respondent Nos. 4 and 5 who are the Vice-Chairman and Member Secretary of the respondent No.3-Committee. So far as the 3rd member of the Committee viz. Mr. Chavan is concerned, there are no allegations against him. The petitioner, accordingly, preferred an application before the respondent No.3-Committee to transfer the proceedings to some other committee. This application of the petitioner was rejected by an order dated 26th May, 2017, and, therefore, the petitioner is before this Court.

4. It has been brought to the notice of this Court that during the pendency of this petition, the respondent No.4 – Vice-Chairman of the respondent No.3-Committee is transferred to Aurangabad. It is also pointed out that the respondent No.5 has filed FIR against the

petitioner's husband for the offence punishable under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. In the light of the above, without going into the allegations of bias, we are inclined to transfer the proceedings pertaining to the petitioner pending before the respondent No.3 to Scheduled Tribe Certificate Scrutiny Committee, Pune Division, Pune (for short "the said Committee"). All the record and proceedings including vigilance report shall be sent by the respondent No.3 to the said Committee within a period of two weeks from the date of receipt of this order. The said Committee shall not conduct de-novo enquiry and shall proceed further to decide the respondent No.6's complaint as directed by this Court in its order dated 24th October, 2016 passed in writ petition No.9947 of 2016 in accordance with law as expeditiously as possible and preferably within a period of three months from the date of receipt of the record and proceedings. All the concerned parties shall appear before the said Committee on 29th January, 2018, at 11.00 am..

6. It is expressly made clear that we have not gone into the merits of the petitioner's claim regarding the validity of the caste claim, and that, this order is passed in peculiar facts and circumstances of the case and it should not be construed as precedent. All rights and

contentions of the respective parties are kept expressly open to be agitated before the concerned authority.

7. The writ petition stands disposed of.

8. In view of the disposal of the petition, civil application No. 69 of 2018 will not survive for consideration and the same is also disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]